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5 Attorney for Plaintiffs

6 IN THE UNITED STATES DISTRICT COURT
7 FOR THE DISTRICT OF ARIZONA
8 PRESCOTT DIVISION

8 Tony Manzo, *et al.*

No. 3:22-cv-8081-PCT-JJT

9 Plaintiffs,

10 v.

**DECLARATION OF DAVID
PRISER**

11 Engrained Cabinetry and Countertops,
12 LLC, Inspired Closets of Arizona, LLC,
and Thomas Corkery,

13 Defendants.

14 I, David Priser, do hereby swear, affirm and attest as follows, based upon my
15 personal knowledge of the matters contained herein:

16 1. My name is David Priser; I am over the age of 18 and duly qualified to
17 execute this declaration.

18 2. I worked for Defendants Engrained Cabinetry and Csountertops, LLC,
19 and Thomas Corkery as a designer/ salesperson from approximately September 2020
20 until September 2021.

1 3. As a designer/ salesperson, I designed and sold kitchen and bathroom
2 designs for Defendants' customers according to the customer and Defendants' needs
3 and specifications.

4 4. Specifically, I used a computer program to design custom storage
5 solutions for Defendants' customers.

6 5. I was paid an hourly wage for the first two weeks of my employment
7 while I was training on my job duties. Following those first two weeks, I received no
8 income whatsoever until I was able to earn commissions. After the two weeks of
9 training, my sole source of income was commissions on sales.

10 6. My design work for customers took more than 60 hours per week. To
11 run a design from start to finish, I had to physically take measurements of the space I
12 was designing for, interview the customer about their needs and budget, run price
13 points on all materials required, create the physical design, and create a quote for the
14 customer.

15 7. If the customer moved forward, I also supervised the installation process
16 and ensured everything was to customer satisfaction.

17 8. The amount of time this took obviously varied based on the size of the
18 job; some could take as little as 40 hours and some could take several weeks. I ran
19 about 12 jobs at a time.

20 9. Because my income was commission-based, the more sales I made the
21 more income I earned. I regularly worked after business hours in order to finish up
22

1 quotes and designs so that I could move projects forward. Defendants didn't ask me
2 not to work after-hours, nor did they require me to track my time.

3 10. I probably worked 20 to 30 hours per week solely on making designs
4 and quotes.

5 11. Defendants also scheduled designers/ salespeople to work regular shifts
6 in the showroom. I worked five 8-hour shifts per week in the showroom. A lot of my
7 regular work hours were taken up with assisting customers in the showroom, which is
8 why I worked on designs and quotes after hours. Added together, I worked
9 approximately 60 to 70 hours per week.

10 12. I hardly ever received my full commission. Other than paying back the
11 draw, Defendants deducted portions of my commission for any error I made in the
12 design such as a mismeasurement or an incorrect material.

13 **PURSUANT TO 28 U.S.C. § 1746, I VERIFY UNDER PENALTY OF**
14 **PERJURY UNDER THE LAWS OF THE UNITED STATES OF AMERICA**
THAT THE FOREGOING IS TRUE AND CORRECT.

15 Executed on this 25th day of October, 2023.

16 
17 **DAVID PRISER**